

# PATENT COOPERATION TREATY

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INTERNATIONAL SEARCHING AUTHORITY

## PCT

To:

see form PCT/ISA/220

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing

(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/CA2004/000650

International filing date (day/month/year)  
30.04.2004

Priority date (day/month/year)  
16.05.2003

International Patent Classification (IPC) or both national classification and IPC  
E04G21/32

Applicant  
PAQUETTE, Denis

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for International preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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**Re Item IV**

**Lack of unity of invention**

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

- I. Claims: 1-7,9-11,16  
Safety restraint device comprising a base rod and one or more releasable mounting devices for receiving and attaching at least one of a variety of accessories to said base rod.
- II. Claims: 8,12-13  
Accessory for use with a safety restraint device as claimed in claim 1 comprising a winch assembly
- III. Claims: 8,12  
Accessory for use with a safety restraint device comprising a ladder
- IV. Claims: 8,12  
Accessory for use with a safety restraint device comprising a light
- V. Claims: 8,12  
Accessory for use with a safety restraint device comprising a sign
- VI. Claims: 8,12  
Accessory for use with a safety restraint device comprising a radio
- VII. Claims: 8,12  
Accessory for a safety restraint device comprising a handrail
- VIII. Claims: 8,12  
Accessory for a safety restraint device comprising a platform or a suspended platform
- IX. Claims: 14-15  
Method for establishing a static line comprising separately attaching a first base rod and a second base rod to two vertical frame members.

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2. The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows.

**Problem/Solution, Special Technical Features and Technical Effect**

**Invention I**

3. The problem to be solved by the invention I is to provide a safety restraint system which provides improved versatility over the prior art systems (see the description of the present application, page 3, lines 5-7). This is solved by the following technical features:

I-TF      a base rod having attachment devices and one releasable mounting device for receiving and attaching at least one of a variety of accessories to said base rod.

- 3.1 The technical effect may be seen in the improvement of the versatility of the restraint device.

**Inventions II, III, IV, V, VI, VII, VIII**

4. Claim 12 is unclear as the formulation "comprising a winch assembly, a ladder, a light, a sign, a radio, a handrail, a platform or a suspended platform" may mean that
- A. the claimed accessory comprises a winch assembly and a ladder and a light and a sign and a radio and a handrail and a platform or that
- B. the claimed accessory comprises a winch assembly and a ladder and a light and a sign and a radio and a handrail and a suspended platform or that
- C. the claimed accessory comprises a winch assembly or a ladder or a light or a sign or a radio or a handrail or a platform or a suspended platform.

Nevertheless, the description (see paragraph "Summary of the Invention" and, in particular, the term "versatility" used at lines 6 and 9 and page 5, line 30 - page 6, line 1) makes clear that meaning C above is correct, so that the list presents **alternative** accessories.

The problem to be solved by inventions II-VIII is understood by the skilled man as being the choice of an accessory for use with the safety restraint device claimed in claim 1. This is solved by the following technical features:

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- II-TF a winch assembly suitable for use with a safety restraint device as claimed in claim 1,
- III-TF a ladder suitable for use with a safety restraint device as claimed in claim 1,
- IV-TF a light suitable for use with a safety restraint device as claimed in claim 1,
- V-TF a sign suitable for use with a safety restraint device as claimed in claim 1,
- VI-TF a radio suitable for use with a safety restraint device as claimed in claim 1,
- VII-TF a handrail suitable for use with a safety restraint device as claimed in claim 1,
- VIII-TF a platform or a suspended platform suitable for use with a safety restraint device as claimed in claim 1.

- 4.1 The technical effect may be seen in the provision of a list of possible accessories, which in claim 12 are claimed **per se**. In this respect it is noted that the subject-matter of claim 1 does not include the accessory. The subject-matter of claim 8 therefore also does not include the accessory.

Invention IX

5. Claim 14 is unclear, as the term "said releasable mounting device on said first base rod" lacks an antecedent in the claim. It is thus assumed that the first base rod is provided with a releasable mounting device.

The problem to be solved by invention IX is understood by the skilled man as being the development of a method to extend a static line in a framing situation. This is solved by the following technical features:

- IX-TF separately attaching a first base rod and a second base rod to two vertical frame members; mounting a static line containing accessory to said releasable mounting device on said first base rod; extending a static line from said static line containing accessory and connecting it to said second base rod.

- 5.1 The technical effect may be seen in a simple method for a provision of a static line in a framing situation.

**Lack of Unity**

Inventions I, II, III, IV, V, VI, VII, VIII

6. The only common technical feature among inventions I, II, III, IV, V, VI, VII, VIII (see in particular the formulation of claim 8) may be seen in the provision of

CTF a safety restraint device as claimed in claim 1.

Such a device is not novel. In particular, reference is made to US 5529144 A: this document discloses a safety restraint device (see fig. 1) comprising a base rod 24 having attachment devices 16, 18 for temporarily affixing said base rod to a frame member (see column 4, lines 14-19 and column 2, lines 48-51); more releasable mounting devices for receiving and attaching at least one of a variety of accessories to said base rod (see column 2, lines 63-67).

Accordingly, no technical relationship exists between these inventions (Rule 13 PCT).

- 6.1 Also, examining the possible correspondence by technical effect, the common technical effect may be seen in the

CTE suitability of accessory for use with a safety restraint device.

- 6.2 This technical effect is also not novel (see again US 5029670, the stanchion socket 32 shown in fig. 1 and described at column 2, lines 64-65). Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept (lack of unity "**a posteriori**", i.e. taking into consideration the prior art).

Inventions I and IX

7. The only common technical feature between inventions I and IX may be seen in the provision of

CTF a base rod provided with a releasable mounting device to receive an accessory.

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Such a base rod is not novel (see US 5 529 144, fig. 1 and column 2, lines 36-67, the releasable mounting device is the eyebolt 30). Accordingly, no technical relationship exists between these inventions (Rule 13 PCT).

- 7.1 Also, examining the possible correspondence by technical effect, no corresponding technical effect may be seen. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept (lack of unity "**a posteriori**").

Inventions II, III, IV, V, VI, VII, VIII, IX

8. The only common technical feature among inventions II, III, IV, V, VI, VII, VIII, IX may be seen in the provision of

CTF an accessory suitable for use with a releasable mounting device.

Such an accessory is not novel (see again US 5 529 144, fig. 1 and column 2, lines 36-67). Accordingly, no technical relationship exists between these inventions (Rule 13.1 PCT).

- 8.1 Also, examining the possible correspondence by technical effect, no corresponding technical effect may be seen. Consequently, neither the objective problem underlying the subjects of the claimed inventions, nor their solutions defined by the special technical features allow for a relationship to be established between the said inventions, which involves a single general inventive concept (lack of unity "**a posteriori**").

9. In conclusion, the groups of claims are not linked by common or corresponding special technical features and define nine different inventions not linked by a single general inventive concept. The application, hence does not meet the requirements of unity of invention as defined in Rules 13.1 and 13.2 PCT.

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Re Item III

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**Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

10. The opinion concerning novelty, inventive step and industrial applicability is thus given only for the searched claims 1-7,9-11 and 16.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

- 10.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

The document US 5529144 A, hereafter referred to as **D1**, discloses (the references in parentheses applying to this document) a safety restraint device (see fig. 1) comprising a base rod 24 having attachment devices 16, 18 for temporarily affixing said base rod to a frame member (see column 4, lines 14-19 and column 2, lines 48-51); more releasable mounting devices for receiving and attaching at least one of a variety of accessories to said base rod (see column 2, lines 63-67).

11. Furthermore, the subject-matter of claim 1 is also anticipated by the documents US 4 799 639, US 6 036 146 and GB 2 256 247, see the passages cited in the Search Report.
12. The subject-matter of claims 2-4,7,9-11 and 16 also lack novelty. In particular, reference is made to the following documents:

Claim 2: see US 4 799 639, column 1, lines 10-23

Claims 3-4: see US 6 036 146, fig. 2

Claim 7: see GB 2 256 247, fig. 4

Claim 9: see US 6 036 146, column 5, lines 37-47

Claim 10: see US 4 799 639, fig. 1

Claim 11: see US 4 799 639, fig. 1.

13. Dependent claims 5-6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see

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documents US 735 026 and US 6 053 281 and the corresponding passages cited in the search report.

14. **It is not at present apparent which part of the application could serve as a basis for a new, allowable claim.**

- 14.1 Should the applicant nevertheless regard some particular matter as allowable, an independent claim should be filed taking account of Rule 6.3(b)(i),(ii) PCT. The applicant should also indicate in the letter of reply the difference of the subject-matter of the new claim vis-à-vis the state of the art and the significance thereof.

15. The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.

16. In order to facilitate the examination of the conformity of the amended application with the requirements of Article 34(2)(b) PCT, the applicant is requested to **clearly identify the amendments carried out, no matter whether they concern amendments by addition, replacement or deletion, and to indicate the passages of the application as filed on which these amendments are based.**

Any information the applicant may wish to submit concerning the subject-matter of the invention, for example further details of its advantages or of the problem it solves, and for which there is no basis in the application as filed, should be confined to the letter of reply and not be incorporated into the application (Article 34(2)(b) PCT).

17. When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. To meet the requirements of Rule 5.1(a)(ii) PCT, the document D1 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.

18. The features of the claims should be provided with reference signs placed in parentheses (Rule

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6.2(b) PCT).